

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6636

Petition of Green Mountain Power Corporation)
and the Winooski Community Development)
Corporation for a certificate of public good for)
the relocation of approximately 1900 feet of)
34.5 kV transmission line No. 3307 located in)
Winooski and Burlington, Vermont)

Order entered: 4/10/2002

I. INTRODUCTION

This case involves a petition filed on January 10, 2002, by Green Mountain Power Corporation ("GMP") and the Winooski Community Development Corporation ("WCDC") requesting a certificate of public good ("CPG") under 30 V.S.A. § 248(j). GMP and WCDC seek to replace approximately 1600 feet of existing overhead 34.5 kV transmission line with approximately 1900 feet of new underground 34.5 kV transmission line. The transmission line in question is primarily located in Winooski, Vermont, with a small portion located in Burlington, Vermont.

GMP and WCDC have served the petition, prefiled testimony, proposed findings, and a proposed order (along with a prospective CPG) on the Public Service Board ("Board"), the Vermont Department of Public Service ("DPS") and the Vermont Agency of Natural Resources ("ANR"), as specified in 30 V.S.A. § 248(a)(4)(C), pursuant to the requirements of 30 V.S.A. § 248(j)(2).

Notice of the filing in this docket was sent on February 5, 2002, to all parties specified in 30 V.S.A. § 248(a)(4)(C) and all other interested persons. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 must file the comments with the Board on or before

March 6, 2002. Notice of the filing, with a request for comments on or before March 6, 2002, was also published in the *Burlington Free Press* on February 7 and 14, 2002.

The ANR filed comments with the Board on March 6, 2002. In its filing, the ANR does not oppose the proposed project and does not request a hearing. Related to the wetlands criteria (10 V.S.A. § 6086(a)(1)(G)), the ANR does request the inclusion of one additional condition in the CPG and the amendment of two of the proposed findings submitted by GMP and WCDC. In addition, the ANR states that although no archeologically sensitive areas will be affected by the proposed project, there are such areas in the vicinity and should the proposed project be revised, these sensitive areas should be avoided. The ANR states in its comments that agreement on the above issues, as stated, has been reached with GMP and WCDC. No comments or objections to the ANR requests have been received from GMP or WCDC, and we have adopted the ANR requests in today's order.

The DPS also filed a Determination under 30 V.S.A. § 202(f) on March 25, 2002.

No comments were received from any other parties or interested persons.

The Board has reviewed the petition and accompanying documents and agrees that, pursuant to 30 V.S.A. § 248(j), a CPG should be issued without the notice and hearings otherwise required by 30 V.S.A. § 248.

II. FINDINGS

Based upon the petition and accompanying documents, the Board hereby makes the following findings in this matter.

1. GMP is a Vermont retail electrical utility under the jurisdiction of the Board. 30 V.S.A. §§ 201(a), 203; Pet. at 1.

2. The WCDC is a 501(3)(c) non-profit entity undertaking redevelopment activities in the downtown area of the City of Winooski, Vermont. Niquette pf. at 2.

3. In order to facilitate the redevelopment of approximately 17 acres of a 125-acre parcel located within and adjacent to downtown Winooski, WCDC has requested the relocation of a portion of an existing 34.5 kV transmission line (No. 3307) owned and operated by GMP. The subject existing 34.5 kV transmission line bisects the eastern side of the development area prior to crossing the Winooski River to Burlington. The proposed relocation of this transmission line

will allow the redevelopment activities planned for this area of Winooski to proceed, and it also will significantly enhance the aesthetic appeal of the riverfront in both Winooski and Burlington. Niquette pf. at 2-3.

4. Although WCDC is not a company subject to the jurisdiction of the Board, it has jointly filed the subject petition with GMP, due to WCDC's request for and active involvement with the proposed relocation. WCDC will be paying all of the costs of relocating the subject 34.5 kV transmission line, estimated to be approximately \$645,000. As a part of the proposed project, GMP will be paying up to \$280,000 for the costs of the reconfiguration of existing distribution circuits in the area (including the retirement of the existing Chase Mill Substation across the river in Burlington). GMP's payment is based on the savings that will be achieved from the retirement of the Chace Mill Substation. Myotte pf. at 11; Niquette pf. at 6-7.

5. The proposed transmission relocation project will occur within the limits of the City of Winooski and a small portion within the City of Burlington, Vermont. GMP exh.3; Niquette pf. at 6.

Project Description

6. Most of the existing transmission and distribution infrastructure in the subject area is above ground. The existing No. 3307 transmission line exits the GMP-owned Gorge Substation (located to the east of the downtown Winooski development area) and proceeds in a westerly direction across wetlands and downstream along the Winooski River to the proposed project area. The transmission line then proceeds across the proposed project area to an eight-pole structure located just to the east of the Champlain Mill building, crosses the Winooski River to a three-pole structure adjacent to the Chace Mill building on the Burlington side of the river, and then proceeds downriver to a two-pole structure near the Burlington end of the Main Street Bridge. The line then recrosses the river above the Winooski One Hydroelectric Project and proceeds westerly to the Winooski Wastewater Treatment Facility. GMP exh. 3.

7. An existing transmission tap line connects to the No. 3307 transmission line at the above-mentioned eight-pole structure on the Winooski side of the river and then crosses the river upstream from the No. 3307 transmission line crossing and connects to the Chace Mill Substation. The Chace Mill Substation converts the power from 34.5 kV transmission voltage to

4.16 kV distribution voltage. Two distribution circuits (29J1 and 29J2) exit the Chace Mill Substation and recross the river, by way of two steel latticework towers, to Winooski at approximately the same location as the above-referenced tap line. The 29J1 circuit powers the redevelopment project area and an area of residential/commercial buildings immediately to the west of Main Street. The 29J2 circuit powers residential/commercial buildings located immediately north and east of the subject project area. GMP exh. 3.

8. The proposed transmission line relocation involves the undergrounding of the No. 3307 transmission line, beginning near the wetlands and within the associated 50-foot buffer zone on the east side of the downtown Winooski development area (adjacent to the existing parking lot), and then proceeding down the East Canal Street right-of-way to the intersection of East Canal Street and U.S. Route 7. The proposed underground line will then turn left and proceed through existing conduits in the upstream sidewalk of the Main Street Bridge to a point in Burlington as close as possible to the southern edge of the bridge. From there, the proposed underground line will turn downriver, proceeding under Colchester Avenue, and then transition to aboveground at the location of the existing two-pole structure. The existing two-pole structure will be eliminated and replaced with a single steel pole. The proposed new pole will be approximately thirty (30) feet lower than the existing two-pole wooden structure, reducing the visual impacts of the overhead lines recrossing the river. After recrossing the river, the subject transmission line will rejoin the existing right-of-way and proceed downstream towards the Winooski Sewage Treatment Plant. The existing aboveground and proposed underground routes for this transmission line are approximately equal in length. GMP exh. 3; Myotte pf. at 4-6.

9. Load from the existing two distribution circuits (29J1 and 29J2), which are to be eliminated, will be picked up by the 46Y1 circuit, one of the two other existing distribution circuits currently in this area. The immediate downtown development area, however, is to be served by a new 34.5 kV distribution circuit that will exit the Gorge Substation and continue along an upgraded existing distribution line that currently parallels the No. 3307 transmission line. Part of this existing distribution line is under the 3307 transmission line and part of it is on separate poles. The upgraded distribution line will be maintained along the present right-of-way to the maximum extent possible. The upgrade will primarily consist of new insulators along the

entire length of the distribution line. New poles may be required in the area of the distribution line that is built parallel to the No. 3307 transmission line. GMP exh. 3; Myotte pf. at 4-6.

10. The total proposed project, therefore, includes undergrounding of the No. 3307 transmission line, removal of all of the river crossings upstream from the Main Street Bridge, lowering the structure after the river crossing at that bridge, elimination of the Chace Mill Substation, and resupplying the existing distribution circuits from different sources. Completing these proposed modifications will result in an improvement to the aesthetic appearance to this area of the Winooski River, increase reliability, simplify maintenance, eliminate long span overhead river crossings, eliminate an aging substation, plus upgrade and replace existing distribution infrastructure. GMP exh. 2; Niquette pf. at 2-3; Myotte pf. at 4-6.

11. As stated in Findings No. 9 and 10 above, the proposed modifications to the distribution system include construction of a new 34.5 kV distribution line from the Gorge Substation to the proposed project area and decommissioning of the Chace Mill Substation. These proposed modifications will enhance GMP's ability to shift loads among the 34.5 kV circuits already in the area, including the 46Y1 and the 36Y5 distribution circuits. Decommissioning of the aging Chace Mill Substation will eliminate maintenance issues and facilitate reuse of that property. Myotte pf. at 4-6.

12. WCDC has an approved Act 250 master plan land use permit granted by the District 4 Environmental Commission (Permit No. 4C1065). This master plan permit allows the WCDC to initiate construction of the infrastructure portion of the project including the installation of roads, power lines, water lines, sewer lines, telephone, gas lines and other infrastructure which will be needed to support the buildings constructed as part of the redevelopment activity. The master plan permit also approves horizontal and vertical envelopes for the buildings to be constructed as part of the project, although actual designs are to follow. Ongoing negotiations are currently being held with developers for the actual design and construction of the buildings. Niquette pf. at 2-3; GMP exh.5.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

13. The proposed project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality. This finding is supported by finding 12, above, and findings 14 through 15, below.

14. The proposed project is part of a larger, substantial development project in downtown Winooski that has received approval from the District 4 Environmental Commission. *See* finding 12, above; Niquette pf. at 3.

15. The proposed project, as a part of the downtown Winooski redevelopment project, has received the support of the City of Winooski and the Chittenden County Regional Planning Commission. Murphy pf. at 3-4; GMP exh. 5.

Need For Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

16. The proposed project is required to meet the need for present and future demand for service which could not otherwise be provided in a more cost effective manner through energy conservation programs and measures and energy efficiency and load management measures. This finding is supported by findings 7-11, above, and 17-18 below.

17. The No. 3307 transmission line has adequate capacity to serve the proposed downtown Winooski redevelopment project and all other areas it currently serves. The No. 3307 transmission line is needed to continue providing service to the downtown Winooski area. Myotte pf. at 8; GMP Exh. 2.

18. The No. 3307 transmission line is one of three transmission lines needed to transmit the 50-MW output of the McNeil Generating Station. Myotte pf. at 8.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

19. The proposed project will have no adverse effect on system stability and reliability; in fact, the proposed undergrounding of the No. 3307 line will improve reliability. This finding is supported by findings 8 through 18, above.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

20. The proposed project will result in an economic benefit to the State. This finding is supported by findings 5 and 10, above, and 21 through 23, below.

21. The estimated cost of the proposed project is \$645,000, consisting of \$558,000 for relocating the subject transmission line and \$87,000 for building additional underground conduit capacity. These costs will be paid entirely by WCDC. Myotte pf. at 5.

22. Based upon the savings that GMP will realize from the retirement of the Chase Mill Substation, GMP will pay an amount up to \$280,000 of the cost of the proposed distribution system reconfiguration in the subject area. Any costs over and above this amount will be paid by WCDC. Niquette pf. at 7.

23. The proposed relocation of the No. 3307 transmission line will result in an economic benefit to the City of Winooski, Chittenden County, and the State of Vermont, as it will allow the proposed downtown Winooski redevelopment project to go forward. Niquette pf. at 4-5.

Aesthetics, Historic Sites, Air and**Water Purity, the Natural Environment and Public****Health and Safety**

[30 V.S.A. § 248(b)(5)]

24. The project as proposed will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and the public health and safety. This finding is supported by findings 25 through 51, below, which are based on the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8), 8(A) and (9)(K).

Outstanding Resource Waters

[10 V.S.A. § 1424a(d)]

25. The proposed project will have no undue impact on any known outstanding resource waters of the state as identified by the Water Resources Board. GMP exh. 5.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

26. The project as proposed will not result in undue water or air pollution. Murphy pf. at 5; GMP exh. 5. This finding is also supported by findings 27 through 37, below.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

27. The proposed project is not located within a headwaters area. GMP exh. 5.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

28. All nonreusable waste generated by this proposed project will be disposed of in an approved landfill or other approved waste disposal facilities by the contractor retained for the construction. No harmful or toxic substances or other waste materials will be disposed of by injection or burial on-site. Murphy pf. at 5-6; GMP exh. 5.

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

29. The proposed project has no water supply needs. Murphy pf. at 6.

Floodways

[10 V.S.A. § 6086(a)(1)(D)]

30. The proposed transmission line relocation is not within the 100-year flood zone. The flood zone on the east end of the proposed project is approximately 159.5 feet above mean sea level. At Barlow Street in Winooski, this elevation decreases to approximately 153 feet and at Main Street the elevation is approximately 149.9 feet. The proposed ground surface along the route of the proposed underground transmission line is approximately 165 to 168 feet above mean sea level. Therefore, no modifications to the ground surface will occur within the 100-year flood plain as part of the proposed transmission and distribution relocation. GMP exh. 7.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

31. There are no streams within the area where the proposed undergrounding of the transmission line and reconfiguration of the distribution systems will occur. There is a stream located within the existing Class II wetland located immediately east of the proposed development area; this stream will not be impacted by the proposed project. Murphy pf. at 5-6; GMP exh. 5.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

32. The proposed project will have a positive impact on the shorelines of the Winooski River by eliminating the existing overhead transmission and distribution lines. Murphy pf. at 5-6; GMP exh. 5.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

33. The proposed relocation of the No. 3307 transmission line will be initiated within the buffer zone of the Class II wetland, but will not adversely impact or encroach on Class II wetlands located immediately adjacent to the project area. Murphy pf. at 5-6; GMP exh. 5.

34. The portion of the proposed construction that occurs within the wetland buffer zone will consist of either the "jack and bore" method or "directional bore" method. Neither of these proposed construction techniques will require a Conditional Use Determination ("CUD") from the ANR. ANR and Greatwood Management letters dated March 6, 2002.

35. Urban waste that exists above ground in the subject wetland buffer zone will be removed. Disturbance of the buffer area and its existing vegetation will be kept to a minimum during such removal. ANR and Greatwood Management letters dated March 6, 2002.

36. A snow fence or equivalent structure will be installed along the perimeter of the Class II wetland buffer zone in the area of the proposed construction to notify construction workers and

equipment operators not to operate machinery in that area.¹ ANR and Greatwood Management letters dated March 6, 2002.

Air Pollution

[10 V.S.A. § 6086(a)(1)]

37. Since the proposed transmission line relocation will not be a source of emissions to the ambient air, the proposed project will not cause undue air pollution. Murphy pf. at 5; GMP exh. 5.

Sufficiency of Water And Burden on

Existing Water Supply

[10 V.S.A. § 6086(a)(2)(3)]

38. The proposed project will not use any water and will, therefore, not place a burden on any existing water supply. Murphy pf. at 6.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

39. The proposed project will not result in unreasonable soil erosion or reduce the ability of the land to hold water. This finding is supported by finding 40, below.

40. The route of the proposed transmission line relocation is almost entirely along previously disturbed land that is currently paved. Only the most eastern portion of the proposed project route is presently located along a gravel-based road. Following completion of the proposed construction activities, the entire route of the proposed underground facilities will be paved. Temporary and permanent erosion control measures have been proposed by the developer and approved as a part of the Act 250 master plan permit. Murphy pf. at 6; GMP exh 5.

1. Obviously, the snow fence would not be installed until after the urban waste has been removed from the buffer zone.

Traffic

[10 V.S.A. § 6086(a)(5)]

41. Since there will be very little traffic associated with the proposed project, it will not cause unreasonable congestion or unsafe conditions with respect to transportation systems. Murphy pf. at 6.

Educational Services

[10 V.S.A. § 6086(a)(6)]

42. The proposed transmission relocation project will have no impact on educational services. Murphy pf. at 7; GMP exh. 5.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

43. The proposed project will have no impact on municipal services. Murphy pf. at 7; GMP exh. 5.

**Aesthetics, Historic Sites or Rare
And Irreplaceable Natural Areas**

[10 V.S.A. § 6086(a)(8)]

44. The proposed transmission line relocation project will not have an undue adverse effect on the scenic or natural beauty, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 45-48, below.

45. The proposed project will improve the aesthetics of the area by the elimination of fourteen wires currently crossing the Winooski River, the elimination of twelve power poles and the removal of an aging riverfront substation. A 60-foot high twin wooden pole structure on the Burlington side of the river will be replaced with a single steel pole approximately 30 feet tall, thus lowering both the structure and the wires located downstream of the Main Street Bridge. Murphy pf. at 7; GMP exhs. 3 and 5.

46. The proposed undergrounding of the subject transmission line will enhance the historic structures in the area (the Champlain Mill and the Winooski Block). In addition, archaeologically sensitive areas that have been identified by a Phase 1A archaeological study will not be disturbed. GMP exh. 5.

47. There are no rare and irreplaceable natural areas in the vicinity of the proposed project. GMP exh. 5.

48. As noted in Findings No. 10 and 11, above, the existing Chace Mill Substation, located on the Burlington side of the river, will be removed as a part of the proposed project. No plans have been filed describing how that existing substation site will be reclaimed following the removal of that substation.

Discussion

Since no plans have been filed describing how the existing Chace Mill Substation site will be reclaimed following the removal of that substation, we will include a condition in the CPG requiring the filing of such plans for Board approval.

Necessary Wildlife Habitat and

Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

49. The proposed project will have no impact on any known natural areas, necessary wildlife habitat or endangered species. Murphy pf. at 8; GMP exh. 5.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

50. The proposed relocation project will not endanger the public or quasi-public investments in any governmental public utility facilities, services, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of or access to such facilities, services, or lands. Murphy pf. at 8; GMP exh. 5.

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

51. The proposed project will be constructed consistent with sound engineering and construction practices, in accordance with all applicable safety and health standards. The proposed project will be constructed in accordance with the National Electrical Safety Code. Murphy pf. at 5; Myotte pf. at 11.

Consistency with Resource Selection**Integrated Resource Selection**

[30 V.S.A. Sec. 248(b)(6)]

52. Since the proposed project involves a short relocation of an existing transmission line, resulting in an improvement in reliability and a potential reduction in operating and maintenance costs, and because it will be entirely paid for by WCDC, there will be no effect on GMP's Integrated Resource Plan process. Myotte pf. at 10-11.

Compliance With Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

53. The project as proposed is consistent with the Vermont 20-Year Electric Plan. The DPS has determined, in a letter dated March 25, 2002, that the proposed project is consistent with the Vermont 20-Year Electric Plan in accordance with 30 V.S.A. § 202(f), provided that GMP relocates the subject transmission line in a manner consistent with the petition and testimony. DPS Section 202(f) Determination.

Outstanding Water Resources

[30 V.S.A. § 248(b)(8)]

54. The Winooski River is not designated as an "Outstanding Water Resource" by the State of Vermont Water Resources Board and there is no other such resource in the proposed project area. *See* finding 25, above. The proposed project will not have any undue adverse effect on the Winooski River or any other water resource. Murphy pf. at 5; GMP exh. 5.

Existing Transmission Facilities

[30 V.S.A. § 248(b)(10)]

55. The proposed project will have no adverse affect on Vermont customers or utilities and, in fact, will improve reliability of existing service to GMP customers as a result of relocating the subject transmission line underground at no cost to the ratepayers. Myotte pf. at 11-12.

III. CONCLUSION

Based upon all of the above evidence, the proposed construction will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

IV. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the replacement of approximately 1600 feet of existing overhead 34.5 kV transmission line with approximately 1900 feet of new underground 34.5 kV transmission line, located in the City of Winooski, Vermont, with a small portion located in the City of Burlington, Vermont, will promote the general good of the State of Vermont in accordance with 30 V.S.A. Sec. 248, and a certificate of public good shall be issued in this matter.

Dated at Montpelier, Vermont, this 10th day of April, 2002.

<u>s/Michael H. Dworkin</u> _____))) <u>s/David C. Coen</u> _____))) <u>s/John D. Burke</u> _____	PUBLIC SERVICE BOARD OF VERMONT
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OFFICE OF THE CLERK

FILED: April 10, 2002

ATTEST: s/Susan M. Hudson

Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or mail) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.